IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 873 OF 2007

The Sangli Bank Ltd. .... Petitioner

versus

Sameer Shivram Rajopadhye & anr..... Respondent.

Shri G.V. Bhagwat i/b. M/s. Divekar & Co. for the petitioner.
Shri A.M. Kulkarni i/b. A.P.Kulkarni for Respdt. Nos. 1 and 2.

CORAM; A.P. DESHPANDE, J.
DATED; 25TH JULY, 2007

P.C.;

1. The present petitioner Sangli Bank Limited filed a suit against the respondent for recovery of amount of Rs. 89,771/-. In the said suit the respondents have claimed a set of by contending that the respondents were entitled to receive dividends in regard to the shares held by the respondent no.2. The relevant issue in regard to set of has been framed by the trial court. As the present petitioner bank did not disclose the amount of dividend from the year 1993-94 till 2003-04, the respondent filed an application at Exh.41 seeking issuance of witness summons against two of the bank officials and had also sought further direction to produce the relevant document. The trial court had permitted issuance of witness summons and it

is this order which is challenged by filing the present writ petition. During the pendency of this petition, the learned counsel for the petitioner bank has placed on record a statement showing the amount of dividend paid/payable to the defendant no.2. The total amount of dividend as per the statement produced is in the sum of Rs.9633/-. The copy of the statement is taken on record and marked as ‘X’ for identification.

2. Perused the order passed by the trial court. The same does not call for any interference in exercise of writ jurisdiction. Hence writ petition is summarily dismissed.

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